

REMARKS

By this amendment, claims 1 and 4 are cancelled and the dependency of claim 3 is changed to claim 9. Reconsideration of applicant's invention as defined in claims 3 and 9 is requested.

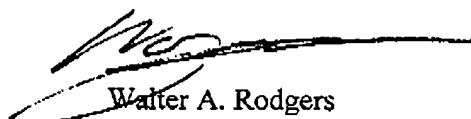
By the office action of May 25, 2006, the examiner rejected independent claim 9 under 35 U.S.C. 103(a) as being unpatentable over Ruibal in view of Roder. The examiner cited Ruibal as showing multiple elongated vertically deformable extensions extending outwardly from the shaft substantially 90° thereto with the ends thereof in abutment with the inner surface of the container with the extensions deformed. The examiner further indicated that the extensions being deformed limitation inherently merely depends on the size of the container since the extensions are capable of deforming by means of a tight friction fit and the fact that extensions are only one-eighth inch thick.

It is well known that a prior patent is considered as part of the prior art only as to what it discloses on its face. As discussed in the amendment filed March 15, 2006, Ruibal discloses cross arms 16 having orifices 18 which are larger than the outer diameter of pole 14 so that cross arms 16 may slide freely up and down pole 14. By this means cross arms 16 slide down pole 14 until they come in contact with the inner surface of pot 17. Therefore, the length of the cross arms is exactly the same as the distance between the shaft and the inner surface of the container.

Therefore, it is believed that Ruibal is not anticipatory of applicant's claim 9. First of all, due to the fact that cross arms 16 are described as being one-eighth inch thick, one and one-half inches wide and made of steel, it would take a great deal of pressure to bend a one-eighth inch steel plate and it certainly would not be adaptable for manual deformation by placement in a cemetery flower holder. Second of all, cross arms 16 of Ruibal are not capable of being deformed by means of the length of the extensions being greater than the distance between the shaft and the inner surface of the vase, as positively defined in applicant's claim 9. This is because cross arms 16 are freely slidable up and down pole 14 and would have to be attached, in some way, to pole 14 in order for deformation to occur. There is no disclosure in Ruibal that cross arms 16 are ever in abutment with the inner surfaces of the vase with the length thereof being greater than the distance between the shaft and the inner surface of the vase.

Therefore, it is requested that this amendment be entered and that claims 3 and 9 be allowed.

Respectfully submitted,



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